



October 26, 2011

Guidance Directive 2011-03

Maintaining Current and Accurate SEVIS Records by Summer Work Travel Sponsors

With the end of the summer session of Summer Work Travel (SWT) and sponsors and students preparing for the winter session, the Bureau of Educational and Cultural Affairs (ECA) wishes to take this opportunity to provide guidance to sponsors on the requirements for maintaining the Student and Exchange Visitor Information System (SEVIS) records. Sponsors play a critical role in the success of SWT and we seek to work in tandem with sponsors in ensuring the participants' safety and well-being so that they can have a positive experience. As such, this Directive addresses the critical issue of information gathering and reporting.

A recent review of 2009-2010 SEVIS record-keeping shows the need for more diligence and specificity on the part of sponsoring organizations. Through this Directive, ECA is providing best practices to assist SWT sponsors in meeting their obligations to regularly monitor and report on program participants. A further goal is to ensure that sponsors understand the implications that the new regulations may have on current practices.

Should sponsors not improve their SEVIS record-keeping, the Department of State may initiate appropriate sanctions in accordance with Public Law 104-208 for failure to comply with the reporting requirements. We outline these requirements below.

Recent Review of Summer Work Travel Participants SEVIS records by ECA

Over the past few months, the Office of Exchange Coordination and Compliance reviewed the SEVIS records of all active SWT participants with program start dates from September 1, 2009 to August 30, 2010. This review revealed a significant number of instances of inaccurate or incomplete U.S. addresses (where the participant lives) and/or site of activity/job (address where the participant works) during the review period.

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In consideration of the new monitoring and reporting requirements adopted in the July 15, 2011 Interim Final Rule that impose further requirements, the Department is issuing this Guidance Directive to all SWT sponsors in order to help them correct and improve their SEVIS record-keeping.

Guidance for Monitoring Program Participants

In the July 15, 2011 Interim Final Rule published in the *Federal Register*, the Department adopted a requirement that sponsors maintain monthly contact with all SWT program participants (see 22 CFR §62.32(h)(1)). These closer ties with program participants should provide sponsors with the data necessary to maintain current and accurate SEVIS records.

The Interim Final Rule also requires sponsors to verify *all* program participants' employers and job offers: "Sponsors must confirm the placements of all Summer Work Travel participants before the participants may start work, at a minimum, by verifying the terms and conditions of such employment and vetting their identified host." (22 CFR §62.32(f)) This new requirement also covers any new jobs a participant seeks once in the United States and their participation in the program.

In summary, the new monitoring requirements should facilitate the sponsors' access to current residential and work address information of active participants. Also, the new job and employer verification requirements are intended to ensure that sponsors have early on, and keep up-to-date this important information in each participant's exchange program.

Guidance for Inputting Address Information into SEVIS:

The Department reminds sponsors of the proper format of address data entered when issuing the Form DS-2019 or updating information in SEVIS:

- Input data into the current U.S. address "Address 1" and the site of activity "Address 2" fields using a standard U.S. Mail address format: Street Number, Street Name, and Suite or Apartment Number.
 - Do not enter an intersection (i.e., Boardwalk and Park Place).
 - Do not enter a highway or rural route name without an identifying street or box number or sufficient information to identify the specific geographical location.
- Use the current U.S. address "Address 2" field to enter an apartment complex or hotel name, for example. Or, in those few instances when a participant cannot receive mail at his or her street address, input the post box address into the current U.S. Address "Address 2" field.
- Input Name of Employer in the site of activity "Address 1" field.
- Input the employers address in site of activity "Address 2" field.

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- Input the job title in the “Subject Matter/Field Code Remarks” field.
- Do not use the sponsor’s office address as a place holder for the site of activity’s “ACTIVITY-NAME” or “Address 1” field for any participant from a non-Visa Waiver Program country (as regulations require sponsors to verify their employers and placements prior to issuing the form DS-2019 (See 22 CFR §62.32(f)(1)(i))).
- Differentiate between the work sites and residential addresses of participants living “on site” at amusement parks, camps, state or national parks, or resorts (e.g., “The Grand Canyon” is not a sufficient address for either field”).
- Validate initial SEVIS records promptly, but no later than 30 days following a participant’s program start date (See 22 CFR §62.70(d)).
- Update SEVIS records within 21 days of being informed by a participant (or otherwise learning) of a verified change of address (See 22 CFR §62.70(b)).
- Adopt a standard operating procedure to periodically monitor those participants from Visa Waiver Program countries for whom a placeholder such as “Seeking Employment” has been entered into SEVIS in the Site of Activity field in order to offer job-seeking or other assistance to the participant and ensure the participant can be readily located.

Legal Authority and Requirements of Exchange Visitor Program Sponsor Entities for SEVIS Records:

Public Law 104-208 (Illegal Immigration Reform and Immigrant Responsibility Act of 1996) mandated the creation of an electronic database to collect information relating to nonimmigrant foreign students and other exchange program participants. Public Law 107-173 (Enhanced Border Security and Visa Reform Act of 2002) specifically informed Exchange Visitor Program sponsors that “[f]ailure of an ... entity to comply with the recordkeeping and reporting requirements to receive ... exchange visitor program participants under section [101(J)] of the Immigration and Nationality Act ... or section 641 of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996, may, at the election of the ... Secretary of State, result in the termination ... of the ... entity’s designation to sponsor exchange visitor program participants.”

The Exchange Visitor Program regulations at 22 CFR Part 62 specify:

- Sponsors shall “[u]tilize SEVIS to up-date information on any participant, spouse, or dependent child for whom a SEVIS record has been created....” (22 CFR §62.70(a)(5))
- “Sponsors shall ensure that the actual and current U.S. address of all sponsored participants is reported to SEVIS. Sponsors shall update the actual and current U.S. address information for participants within 21 days of being notified by a participant of a

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change in his or her address. A sponsor's failure to update the actual and current U.S. address information within 21 days of receipt may be grounds for revocation of their Exchange Visitor Program status. Sponsors shall report a U.S. mailing address, *i.e.*, P.O. box address, in those limited circumstances where mail cannot be delivered to the current and actual U.S. address. If a U.S. mailing address is reported to SEVIS, sponsors shall also maintain a record of the actual and current U.S. address, e.g., dorm, building and room number, for that exchange visitor.” (22 CFR §62.70(b))

- Sponsors shall “update information [in SEVIS] when significant changes take place in regard to the exchange visitor’s program, such as a substantial change in funding or in the location where the program will take place.” (22 CFR §62.12(c)(8))
- “The Department of State shall impose sanctions against a sponsor that has ... [w]illfully or negligently failed to comply with the reporting requirements established in Public Law 104–208.” (22 CFR §62.79(a)(1))

The Department and Program sponsors share the common goal of ensuring that closer communications between sponsors and SWT participants will both improve the participants’ exchange experiences and our collective goals of safety and security. Adoption of the policy outlined in this Directive provides an extra level of protection for our exchange students, your organizations, and our national security.



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